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House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-sixth Legislature  
First Regular Session  
2003

# SENATE BILL 1034

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3208; RELATING TO HEALTH PROFESSIONALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised Statutes,  
3 is amended by adding section 32-3208, to read:

4 32-3208. Psychiatric medication; prescriptions; children;  
5 information

6 A. BEFORE A PHYSICIAN LICENSED PURSUANT TO CHAPTER 13 OR 17 OF THIS  
7 TITLE PRESCRIBES A PSYCHIATRIC MEDICATION THAT IS PAID FOR IN WHOLE OR IN  
8 PART WITH STATE MONIES AND THAT IS FOR A CHILD UNDER EIGHTEEN YEARS OF AGE,  
9 THE PHYSICIAN MUST:

10 1. PERFORM A MEDICAL EVALUATION OF THE CHILD.

11 2. OBTAIN INFORMED CONSENT FROM THE CHILD'S PARENT, LEGAL CUSTODIAN OR  
12 GUARDIAN.

13 3. PROVIDE THE CHILD'S PARENT, LEGAL CUSTODIAN OR GUARDIAN WITH AT  
14 LEAST THE FOLLOWING INFORMATION:

15 (a) THE CHILD'S CONDITION OR SYMPTOMS FOR WHICH THE MEDICATION IS  
16 BEING PRESCRIBED.

17 (b) THE TREATMENT'S INTENDED OUTCOMES, EXPECTED BENEFITS AND POTENTIAL  
18 SIDE EFFECTS.

19 (c) ALTERNATIVES TO THE PROPOSED TREATMENT.

20 (d) THE TREATMENT'S LIKELIHOOD OF SUCCESS.

21 (e) THE PARENT'S, LEGAL CUSTODIAN'S OR GUARDIAN'S RIGHT TO WITHHOLD OR  
22 WITHDRAW CONSENT.

23 (f) THE LIKELY OUTCOME AND RISKS OF NOT TREATING THE CHILD WITH  
24 MEDICATION.

25 (g) AN ACKNOWLEDGEMENT THAT THERE MAY BE UNKNOWN RISKS WITH USE OF THE  
26 MEDICATION.

27 B. IF MEDICATION IS PRESCRIBED PURSUANT TO SUBSECTION A, THE PARENT,  
28 LEGAL CUSTODIAN OR GUARDIAN MUST BE GIVEN DIRECTIONS FOR ADMINISTERING THE  
29 MEDICATION AND WHICH SYMPTOMS THE PARENT, LEGAL CUSTODIAN OR GUARDIAN MUST  
30 MONITOR.

31 C. MEDICATION PRESCRIBED PURSUANT TO SUBSECTION A MUST BE DISCONTINUED  
32 PROMPTLY IF CONSENT FOR TREATMENT IS WITHDRAWN BY THE PARENT, LEGAL CUSTODIAN  
33 OR GUARDIAN. IF ABRUPT DISCONTINUATION COULD POTENTIALLY RESULT IN ADVERSE  
34 EFFECTS, THE PHYSICIAN SHALL ADVISE THE PARENT, LEGAL CUSTODIAN OR GUARDIAN  
35 AND WITHDRAW MEDICATION AS QUICKLY AS CLINICALLY APPROPRIATE.

36 D. THIS SECTION DOES NOT APPLY TO EMERGENCY MEDICAL TREATMENT OR TO  
37 PATIENTS BEING TREATED FOR SEIZURE DISORDERS.

38 E. FOR THE PURPOSES OF THIS SECTION, "STATE MONIES" DOES NOT INCLUDE  
39 STATE EMPLOYEE RELATED EXPENSES.